



OFFICE OF ENVIRONMENTAL REMEDIATION

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NOTICE TO PROCEED
DOB Job Number NB M00688136-11

August 4, 2023

Re: 2005 3rd Avenue, 2005-2011 3rd Avenue
Manhattan Block 1660, Lot 1 (Former Lots 3, 4, 5, 45)
Hazardous Materials and Noise “E” Designation
E-422: East Harlem Rezoning - CEQR 17DCP048M - 11/30/2017
E-114: East Harlem Rezoning - CEQR 03DCP025Y - 6/24/2003
OER Project Number 22EH-N219M

Dear Manhattan Borough Commissioner:

The New York City Office of Environmental Remediation (OER) hereby issues a Notice to Proceed for the above-referenced Department of Buildings Job Numbers. This correspondence is provided pursuant to OER’s responsibilities as established in Chapter 24 of Title 15 of the Rules of the City of New York and Section 11-15 of the Zoning Resolution of the City of New York. The Applicant has filed a Hazardous Materials remedial action work plan and Noise remedial action plan that are acceptable to this Office and has prepared a Construction Health and Safety Plan for implementation on this project. OER’s Decision Document that defines the remedial actions required for this project has been prepared and filed and is available on request.

At the conclusion of remedial activities required under this action, the Zoning Resolution and §24-07 of the Rules of the City of New York requires that OER issue a Notice of Satisfaction signifying that all remedial action requirements established for this project have been satisfied prior to issuance of the Certificate of Occupancy or Temporary Certificate of Occupancy by Department of Buildings.

If you have any questions or comments, please feel free to contact Alysha Alfieri at 212-788-9877.

Sincerely,

Maurizio Bertini, Ph.D.
Assistant Director

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DECISION DOCUMENT

E-Designation Remedial Action Work Plan Approval

August 4, 2023

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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated June 2023 with Stipulation Letter dated June 2023 and the Remedial Action Plan Noise dated August 2023 for the above-referenced project.

These Plans were submitted to OER under the E-Designation Program.

Project Description

The proposed future use of the Site will consist of a new mixed-use residential and commercial building. The development project consists of an 18-story residential building with a proposed gross square footage of 278,869 SF. The proposed basement is 10,260 square feet and will be approximately 10 below sidewalk grade. The basement will be used for storage and mechanical purposes only. The proposed structure occupies the entirety of the lot and no outdoor recreation or open spaces are proposed at grade. The first floor will house mechanical areas and a commercial use component. A partial area of the second floor will be designated for community facility use. The rest of the building will house one-bedroom and two-bedroom rental units with some private terraces and outdoor building amenity spaces on the roof. The existing on-site structure, including the existing cellar, will be demolished to facilitate construction and total excavation depth to facilitate the new structures is proposed to be approximately 10 feet below ground surface (ft bgs) and the elevator pits will require excavation to approximately 22 ft bgs. An estimated 3,870 cubic yards (5,750 tons) of soil will require excavation for the cellar of the new building. The final building cellar will be completed throughout the entirety of the Site with the exception of a small area on the east side of the Site which will be backfilled and covered with a 36” concrete slab on grade. This is necessary since the adjacent structure will not be underpinned.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “2005 3rd Avenue” pursuant to the Zoning Resolution and §24 - 07 of the Rules of the City of New York.

Description of Selected Remedy for Hazardous Materials

The remedial action selected for the 2005 3rd Avenue site is protective of public health and the environment. The elements of the selected remedy are as follows:

The proposed remedial action will consist of:

1. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
2. Establishment of Restricted Residential Soil Cleanup Objectives (SCOs) with Site Specific Soil Cleanup

Objectives (SCOs) for total SVOCs and arsenic.

3. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
4. Completion of a Waste Characterization Study of soil/fill required to be excavated and disposed off-Site for the construction of foundation structures prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by disposal facility(s). A Waste Characterization Report documenting sample procedures, location and analytical results shall be submitted to NYCOER prior to start of Remedial Action.
5. Excavation and removal of soil/fill exceeding Restricted Residential SCOs. The entire footprint of the Site will be excavated to a depth of approximately 10 feet below grade for development purposes. An area along 3rd Avenue near the former lot line requires the excavation to be extended an additional foot to approximately 11 ft bgs. An area in the east side of the excavation will be excavated to approximately 6 ft bgs to facilitate structural installations and then backfilled to grade. In addition, the central elevator pits will require excavation to approximately 22 ft bgs. An estimated 3,870 cubic yards (5,750 tons) of soil will require excavation for the new building's cellar. Soil will be properly disposed of at an appropriately licensed or permitted facility.
6. Excavation and removal of hotspots SB-1 for VOCs and SB-6 for SVOCs identified in the 2013 3rd Avenue RIR. Hotspot end-point sampling will be completed pursuant to Section 3.2 below.
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID. Appropriate segregation of excavated media on-site.
8. Management of excavated materials including temporarily stockpiling and segregating in accordance with defined material types and to prevent co-mingling of contaminated material and non-contaminated materials.
9. Removal of all UST's (if encountered) during soil/fill removal actions.
10. Registration of tanks and reporting of any petroleum spills associated with UST's and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations.
11. Transportation and off-site disposal of all soil/fill material at licensed or permitted facilities in accordance with applicable laws and regulations for handling, transport, and disposal, and this plan. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media on-Site.
12. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
13. Collection and analysis of six (6) end-point samples in the southern portion of the Site (former 2005 3rd Avenue RAWP scope) and seven (7) end-point samples in the northern portion of the Site (former 2013 3rd Avenue RAWP scope) for a total of thirteen (13) end-point samples to determine the performance of the remedy with respect to attainment of the Restricted Residential and/or site-specific SCOs. Endpoint samples to be analyzed for VOCs, SVOCs, PCBs, pesticides and metals. No endpoint samples will be collected if the terminal depth of the excavation encounters rock.
14. Construction of an engineered composite cover consisting of minimum 8-inch-thick reinforced concrete foundation slab on a ¾" gravel bed and a minimum 12-inch-thick, reinforced foundation walls to prevent human exposure to residual soil/fill remaining under the Site.
15. Installation of a vapor barrier system consisting of a vapor barrier beneath the building slab, elevator pit and outside of sub-grade foundation sidewalls to grade to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 73-mil W.R. Grace PRECON (or equivalent) below the slab throughout the full building, elevator pit and outside all sub-grade foundation sidewalls to grade. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
16. Performance of all activities required for the remedial action, including acquisition of required permits and attainment of pretreatment requirements, in compliance with applicable laws and regulations.
17. It is not anticipated that Site excavation will reach groundwater table based on the RI. However, if groundwater is encountered, dewatering will be performed in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system.
18. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
19. Submission of a RCR that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAP, and describes all Engineering and Institutional Controls to be implemented at the Site.
20. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (RAP) for long-

term management of residual contamination, including plans for operation, maintenance, monitoring, inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency.

21. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls in this RAWP and a requirement that management of these controls must be in compliance with an approved SMP. Institutional Controls will include prohibition of the following: (1) vegetable gardening and farming; (2) use of groundwater without treatment rendering it safe for the intended use; (3) disturbance of residual contaminated material unless it is conducted in accordance with the SMP; and (4) higher level of land usage without OER-approval.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 2005 3rd Avenue site are as follows:

The following window(s) will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Façades Residential	36 dBA (33 dBA required)	See ASTM E-90 Lab Test Report No. F6401.01-113-11- R0, Option B by Intertek/ Architectural Testing for the window and glazing in Appendix F	Reynaers CS77 DAW Dual Action Window	2" IG (5/16" annealed exterior - 1" air space – 11/16" Laminated Interior)
All Façades Residential	35 dBA (33 dBA required)	See ASTM E-90 Lab Test Report No. F6402.01-113-11- R0, Option B by Intertek/ Architectural Testing for the window and glazing in Appendix F	Reynaers CS77 Fixed Window	2" IG (5/16" annealed exterior - 1" air space – 11/16" Laminated Interior)
Northern Façade (1 st , 2 nd , and 15 th), Western Façade (1 st and 15 th) Eastern Façade 15 th floor Southern Façade (1 st and 2 nd floors) Residential and Commercial	35 (33 dBA required)	See ASTM E-90 Lab Test Report No. E4498.01-113-11, Option G by Intertek/ Architectural Testing for the window and glazing in Appendix F	Reynaers CW50 Two Lite Curtain Wall	1 3/4" IG (5/16" annealed exterior - 15/16" air space – 1/2" Laminated Interior)
Western Façade 6 th Floor Southern Façade 6 th Floor Northern Façade 6 th Floor Residential	33 (33 dBA required)	See ASTM E-90 Lab Test Report No. E4499.01-113-11, Option B by Intertek/ Architectural Testing for the window and glazing in Appendix F	Reynaers CS77 HID Terrace Door	1-5/16" IG (1/4" annealed exterior, 3/4" air space, 5/16" annealed interior)

In order to satisfy the requirements of the E-Designation, Alternate Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. AMV for this project will be achieved by:

1. **Combination of Dedicated Fresh Air/ HVAC System.** Installing 209 model MXZ-SM split systems with condensing systems manufactured by Mitsubishi on the roof and air handling units in a dedicated closet in each residential unit. Energy recovery ventilators Greenheck (ERVE-45-30L, ERV-90-30L, ERVE-45-30H) for fresh air are located on the roof and air handling units and associated ducting will provide fresh air to each bedroom and living room in each residential unit. In all cases, the rate of outside air (cfm) delivered to each habitable space (bedrooms and living spaces) will meet or exceed that specified in the 2022 New York City Mechanical Code table 403.3.1.1. These rates will be at least the greater of 0.35 air changes per hour or 15 cfm per person, representing the outdoor ventilation otherwise provided by the operable windows. P.E certified mechanical drawings depicting the AMV system and the pathway of fresh air delivery into each of the living spaces (bedrooms and living rooms) are provided in Appendix I.
2. **Amenity Spaces:** Alternate means of ventilation for the 1st Floor Mezzanine, 17th Floor and 18th Floor amenity spaces will be achieved by providing ceiling mounted VRF evaporators to provide heating and cooling. All evaporator units will be provided with ducted fresh air via an energy recovery ventilator model VE series manufactured by Greenheck.
3. **Community Facility:** Alternate means of ventilation for the second floor Community Facility spaces will be achieved by providing louvers at the façade for future installation of energy recovery ventilators for fresh air. Condensing units on the roof will be provided. Future tenants will install air-handlers served by the condensing units. Condensing units to be model PURY as manufactured by Mitsubishi.
4. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2022 NYC Mechanical Code.

The remedies for Hazardous Materials, Noise E Designation described above conforms to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

8/4/2023



Date

Alysha Alfieri
Project Manager

8/4/2023



Date

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Assistant Director

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